S.B.Civil Writ Petition NO.3484/2007

National Advertising Company

vs

Municipal Council Udaipur & Anr.

DATE OF ORDER : - 9.7.2007

HON'BLE MR. PRAKASH TATIA,J.

Mr. AK Rajvanshy, for the petitioner.

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Heard learned counsel for the petitioner.

According to petitioner, the petitioner's bid in pursuance of the notice inviting tender (Annex.1) was highest. The petitioner came to know that respondents are not ready to give the contract to the petitioner then he applied for refund of the earnest money by sending the letter dated 11th April, 2007 (Annex.3) According to learned counsel for the petitioner, the respondents did not pay the earnest money despite the letter dated 11th April, 2007.

According to learned counsel for the petitioner he applied for refund of the amount only because of the fact that petitioner came to know that respondent Municipal Council, Udaipur already took a decision to give the contract to other party. It is submitted that since the petitioner came to know that the

contract has been given to any other party and now the respondent Municipal Council, Udaipur is bent upon to give the contract to other party and for that purpose there is political influence, therefore, according to learned counsel for the petitioner, the petitioner is entitled to the contract and, therefore, the Municipal Council, Udaipur should have included the petitioner for negotiation. The petitioner, therefore, prayed that a direction be issued directing the Municipal Council, Udaipur to consider the bid of the petitioner also during negotiation.

Since the petitioner's own case is that despite he being highest bidder he when came to know that Municipal Council, Udaipur is going to give contract to other party, he applied for refund of the earnest money by sending letter dated 11th April, 2007, therefore, in that situation, the petitioner cannot claim now that in case now any bid is considered then he be included for negotiation. I do not find any merit in the writ petition in view of the letter of the petitioner's own letter dated 11th April, 2007 (Annex.3).

Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-